

REMARKS

In the Office Action mailed February 27, 2007, the Examiner rejected claims 1-12 and 14-21, and now pending are claims 20-37. Claims 1-12 and 14-19 have been cancelled and replaced with Claims 22-37 for clarity. Claim 13 has been cancelled without prejudice. Basis for the amendment and the new claims can be found, without limitation, in the specification and claims as filed. As such, applicant believes the Amendment should be entered.

Rejection under 35 U.S.C. §103(a)

The Examiner rejected claims 1-12, 14-16 and 19-21 as obvious over Sachs in view of Herreid. This rejection is traversed in view of the amendments to claim 20 and the addition of claims 22-37. According to the Supreme Court decision on KSR Int'l. Co., v. Teleflex, Inc. __U.S.P.Q. 2d __, (2007), in formulating a rejection under 35 U.S.C. 5 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed. The Examiner has not identified any reason to combine the above references. The bare conclusion by the Examiner to the contrary is insufficient because the Examiner has not identified any reason within Sachs, Herreid or the art that would suggest the desirability of modifying Sachs or Herreid to achieve the present invention. Applicant respectfully requests that this rejection be withdrawn.

Also, Examiner rejected claim 17 as obvious over Sachs in view of Herreid and further in view of Hattori. Again, according to the Supreme Court decision on KSR Int'l. Co., v. Teleflex, Inc. __U.S.P.Q. 2d __, (2007), in formulating a rejection under 35 U.S.C. 5 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed. The bare conclusion by the Examiner in the present instance is insufficient. The Examiner has not identified any reason within Sachs, Herreid, Hattori or the art that would suggest the desirability of modifying Sachs or Herreid or Hattori to achieve the present invention. Additionally, Hattori teaches a method of producing a mold that is completely in opposition and inapplicable to Applicant's invention. Hattori teaches a kneaded slurry method with the main thrust being the use of a water soluble hemicellulose to control the properties of the kneaded mixture, see Hattori, col.2, lines 7-11. The only place where the sodium phosphate is mentioned is in Hattori example 5, col.5, lines 52-53 and does not purport or imply that the use the sodium phosphate for the purpose of effectively improving dispersion stability and workability including shape retention. Applicant respectfully requests that this rejection be withdrawn.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner has any questions regarding the present application the Examiner is requested to contact the undersigned at (248) 292-2920.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Respectfully submitted,

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